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APPLICATION NUMBER	FILED DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
08/525,870	09/08/95	DORN	C 191891A
12M1/0305			EXAMINER
J. ERIC THIES PATENT DEPARTMENT MERCK & COMPANY INC P O BOX 2000 RAHWAY NJ 07065-0907			HIGEL ART UNIT PAPER NUMBER 1201 6
			DATE MAILED: 03/05/97

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

OFFICE ACTION SUMMARY

☒ Responsive to communication(s) filed on October 22, 1996

☐ This action is FINAL.

☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, ~~whichever is longer~~, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

- ☒ Claim(s) 31 to 59 is/are pending in the application.
Of the above, claim(s) 36 to 59 is/are withdrawn from consideration.
☐ Claim(s) 31 to 55 is/are allowed.
☐ Claim(s) is/are rejected.
☐ Claim(s) is/are objected to.
☐ Claim(s) are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
☐ The specification is objected to by the Examiner.
☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(e)-(d).
☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.
☐ received in Application No. (Series Code/Serial Number) _____
☐ received in this national stage application from the International Bureau (PCT Rule 17.2(e)).

*Certified copies not received: _____

- ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- ☐ Notice of Reference Cited, PTO-892
☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 5
☐ Interview Summary, PTO-413
☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
☐ Notice of Informal Patent Application, PTO-152

—SEE OFFICE ACTION ON THE FOLLOWING PAGES—

Serial Number: 08/525,870

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Art Unit: 1201

Receipt is acknowledged of the information disclosure statement filed October 22, 1997 which has been entered in the file.

Claims 56 to 59 stand withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected species, the requirement having been traversed in Paper No. 5.

Applicant's election with traverse of the species of disease as recited in claim 55 in Paper No. there is no serious burden on the Examiner is acknowledged. The traversal is on the ground(s) that of the reasons of record. This is not found persuasive because .

The requirement is still deemed proper and is therefore made FINAL.

Claims 31 to 55 stand allowable.

This application is in condition for allowance except for the following formal matters:

This presence of claims 56 to 59 to an invention non-elected with traverse in Paper No. 5, cancellation thereof or other appropriate under 37 CFR 1.144 is required.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for response to this action is set to expire ~~THIRTY DAYS~~ **THIRTY DAYS** from the date of this letter.

Serial Number: 08/525,870

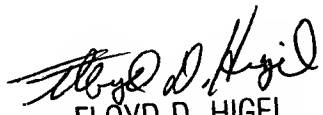
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Art Unit: 1201

Any inquiry concerning this communication or earlier communications from the examiner should be directed to 308-4530 whose telephone number is (703) 308-4530. The examiner can normally be reached on Tuesday to Friday from 8:00 pm to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Johnson Richter, can be reached on (703) 308-4532. The fax phone number for this Group is (703) 308-4556.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1235.


FLOYD D. HIGEL
PATENT PRIMARY EXAMINER
ART UNIT 1201